

AMENDED IN SENATE APRIL 20, 2005

SENATE BILL

No. 718

Introduced by Senators Aanestad and Romero

February 22, 2005

An act to add ~~Section 2800.5 to~~ *Article 2 (Commencing with Section 2830) to Chapter 4 of Division 2 of the Vehicle Code*, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 718, as amended, Aanestad. High-speed pursuits: statewide policy.

Existing law makes it a misdemeanor, or a felony, for a person while operating a motor vehicle, to intentionally evade, willfully flee, or otherwise attempt to evade a pursuing peace officer's motor vehicle or bicycle, as specified. *Existing law requires law enforcement agencies to report specified information on vehicle pursuits to the Department of the California Highway Patrol, and provides specified immunity for public employees and public agencies relative to vehicle pursuits.*

This bill would enact Kristie's Law and would express the intent of the Legislature, ~~as specified to eliminate any unnecessary risks that evolve from motor vehicle pursuits and to ensure that these pursuits can be conducted in the safest and most effective approach throughout California.~~ *The bill would allow a peace officer to initiate a motor vehicle pursuit, as defined, when he or she has a reasonable suspicion that a fleeing suspect has committed or has attempted to commit a violent felony, as defined. The bill would prohibit a peace officer from initiating a motor vehicle pursuit for other felonies, misdemeanors, or traffic and civil infractions.*

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 ~~SECTION 1. Section 2800.5 is added to the Vehicle Code, to~~
2 ~~read:~~

3 *SECTION 1. Article 2 (commencing with Section 2830) is*
4 *added to Chapter 4 of Division 2 of the Vehicle Code, to read:*

5
6 *Article 2. Peace Officer Motor Vehicle Pursuit Guidelines and*
7 *Practices*
8

9 2830. *This article shall be known and may be cited as*
10 *Kristie's Law.*

11 2831. *The Legislature finds and declares all of the following:*

12 (i) *Individuals who flee from law enforcement demonstrate no*
13 *respect or consideration for the safety of other motorists or*
14 *anyone present on the roadway.*

15 (ii) *Motor vehicle pursuits of fleeing suspects present a danger*
16 *to the lives of the public, peace officers, and suspects involved in*
17 *the pursuits.*

18 (iii) *According to statistics from the National Highway Traffic*
19 *Safety Administration, California has historically had higher*
20 *numbers for fatalities in crashes involving motor vehicle pursuits*
21 *by peace officers.*

22 (iv) *In 2001, the National Highway Traffic Safety*
23 *Administration reported 365 fatalities nationwide as a result of*
24 *motor vehicle pursuits by peace officers. California had the*
25 *highest number of fatalities with 51 deaths, accounting for nearly*
26 *15 percent of the nation's crashes. Of those 51 fatalities, 24 were*
27 *innocent bystanders. On average, that is one death a week due to*
28 *peace officer pursuits, and one innocent death every two weeks.*

29 (v) *According to California Highway Patrol statistics, in 2004*
30 *there were 6,913 motor vehicle pursuits reported. Twenty-six*
31 *percent, or 1,848, of those pursuits resulted in collisions, and 26*
32 *pursuits resulted in fatalities.*

33 (vi) *The primary function of all law enforcement agencies is to*
34 *protect the public against personal injury, death, or property*
35 *damage.*

1 (g) Motor vehicle pursuits by peace officers present an
2 inherent risk to the public. A responsibility of law enforcement is
3 to ensure that innocent third parties are reasonably shielded
4 from any risk emanating from these pursuits. It is also necessary
5 to assist peace officers in the safe performance of their duties.

6 2832. For the purposes of this article, the following terms have
7 the following meanings:

8 (a) “Intercepting” is the activation of emergency lights or
9 siren, or both, at the discretion of the peace officer, to notify a
10 traffic violator of the presence of the motor vehicle of a peace
11 officer and to cause the violator to stop as quickly and safely as
12 possible.

13 (b) “Overtaking” is the active attempt by a peace officer to
14 catch up to and stop a traffic violator before there is recognition
15 by the violator that the peace officer is attempting to stop the
16 violator.

17 (c) “Peace officer” has the same meaning as that term is
18 defined in Chapter 4.5 (commencing with Section 830) of Title 3
19 of Part 2 of the Penal Code.

20 (d) (1) “Pursuit” or “motor vehicle pursuit” is an active
21 attempt by a peace officer while operating a motor vehicle, to
22 apprehend a suspect who is also operating a motor vehicle, while
23 the suspect is trying to avoid capture by using high speed driving
24 or other evasive tactics, including, but not limited to, driving off
25 a highway, making a sudden or unexpected movement, or driving
26 on the wrong side of the roadway.

27 (2) Initiation of a motor vehicle pursuit does not include
28 intercepting or overtaking. It begins when the violator recognizes
29 that a peace officer is attempting to stop him or her.

30 2833. (a) A peace officer may initiate a motor vehicle pursuit
31 when he or she has a reasonable suspicion that a fleeing suspect
32 has committed or has attempted to commit a violent felony, as
33 described in subdivision (c) of Section 667.5 of the Penal Code.

34 (b) A peace officer shall not initiate a motor vehicle pursuit
35 when he or she has a reasonable suspicion that a fleeing suspect
36 has committed other felonies, not described in subdivision (c) of
37 Section 667.5 of the Penal Code, misdemeanors, or traffic or
38 civil infractions.

39 ~~2800.5. (a) This section shall be known as “Kristie’s Law.”~~

40 ~~(b) The Legislature finds and declares all of the following:~~

1 ~~(1) Suspects who flee from police officers show no concern~~
2 ~~for their own safety, or that of the peace officer or the public.~~

3 ~~(2) Motor vehicle pursuits of fleeing suspects present~~
4 ~~inescapable and inherent risks.~~

5 ~~(3) According to statistics from the National Highway Traffic~~
6 ~~Safety Administration, California has consistently led the nation~~
7 ~~in the past 20 years in fatalities from crashes involving motor~~
8 ~~vehicle pursuits.~~

9 ~~(4) A primary function of all law enforcement agencies is to~~
10 ~~protect the public against personal injury, death, or property~~
11 ~~damage.~~

12 ~~(5) It is the intention of Kristie's Law to eliminate any~~
13 ~~unnecessary risks that evolve from motor vehicle pursuits, and to~~
14 ~~ensure that motor vehicle pursuits can be conducted in the safest~~
15 ~~and most effective approach throughout California.~~